



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Tenavision Inc.

File: B-236985.2

Date: January 23, 1990

DIGEST

Protest that specification calling for "non-coin-operated commercial" washers and dryers is defective is denied where, contrary to protester's unsupported contention that only two types of equipment--coin-operated commercial and household type--are available, the record shows that equipment meeting description in solicitation in fact is available.

DECISION

Tenavision Inc., protests the specifications in request for proposals (RFP) No. N68836-89-R-0188, issued as a small business set-aside by the Naval Supply Center, Jacksonville, Florida, for the rental and maintenance of washers and dryers for the Naval Training Center, Orlando, Florida. Tenavision contends that the specifications are defective because they require a type of washer and dryer that does not exist.^{1/}

We deny the protest.

The specifications called for new "non-coin operated commercial" washing machines and dryers, and further described the required characteristics of the equipment in detail. For example, the washers were required to have at

^{1/} Initially, the protester also argued that clauses in the solicitation concerning hours of service, damage to clothing caused by the machines, liquidated damages for out-of-service machines, and repair of damage to government property were unfair to offerors and should be amended. The agency responded to these arguments in its report. Tenavision, in commenting on the agency report, did not take exception to the agency's explanations or attempt to rebut them. Thus, we consider the protester to have abandoned these issues, and we will not consider them. Vista Scientific Corp., B-231966.2, Dec. 27, 1988, 88-2 CPD ¶ 625.

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least 3 cycles, a minimum tub capacity of 14 pounds, and a motor of at least 1/2 horsepower. Both gas and electric dryers with a minimum of 3 position fabric selection and a 1/4 horsepower motor were required.

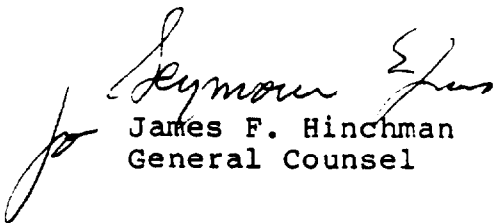
The protester argues that there is no such thing as a non-coin-operated commercial machine. According to the protester, only two types of machine are manufactured: the coin-operated type used in commercial laundromats and the household type. The protester contends that although manufacturers have labeled certain household models as "commercial" to lead consumers to believe that they are more durable, these models are not really commercial machines since the majority are used by consumers in their homes.

In response, the agency argues that non-coin-operated commercial machines are available and in fact were offered by several competitors under the RFP. The agency maintains that the fact that a machine labeled "commercial" is used in the home does not mean that it is not a commercial machine.

Although neither the agency nor the protester has defined precisely what characteristics distinguish a commercial washer/dryer from a household washer/dryer, we understand the basic difference to be that commercial machines have stronger structural support and heavier duty motors (i.e., 1/2 horsepower for the washers) than do household machines. In response to the protest, the agency contacted various suppliers of laundry equipment and documented for the record their position that non-coin-operated commercial machines are currently available. In addition, an interested party provided descriptive literature demonstrating that at least two manufacturers make non-coin-operated machines that exhibit these characteristics.

Based on the current record, it thus appears that non-coin operated commercial washers and dryers are available. Since Tenavision did not respond to the agency's assertion regarding the availability of equipment meeting the specifications beyond its initial unsupported challenge to the agency's position, we see no basis to conclude that the specifications are defective.

The protest is denied.


James F. Hinchman
General Counsel